

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFRED LABOSSIÈRE,

Plaintiff,

-v-

N. BAXTER,

Defendant.

No. 21-CV-10538 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is currently incarcerated at Clinton Correctional Facility, brings this pro se action under 42 U.S.C. § 1983, alleging that Defendant violated his rights when he was incarcerated at Downstate Correctional Facility. By order dated February 18, 2022, Chief Judge Swain granted Plaintiff's request to proceed without prepayment of fees, that is, in forma pauperis ("IFP"). (*See* Dkt. No. 9.) The Court directed service on Officer Baxter ("Baxter") on February 24, 2022, (*see* Dkt. No. 11), but the U.S. Marshals Service was unable to serve Baxter because the facility at which Baxter worked, Downstate Correctional Facility, had closed, (*see* Dkt. No. 14). The Court therefore entered a *Valentin* order on June 14, 2022 instructing the Attorney General of the State of New York to provide an address where Baxter could be served. (*See* Dkt. No. 17.) The Attorney General responded with Baxter's updated work address on August 10, 2022. (*See* Dkt. No. 18.) Accordingly, the Court again directed service on Baxter on August 12, 2022. (*See* Dkt. No. 19).

Notwithstanding this Court's order directing service on Baxter over 14 months ago, there is no indication on the docket that any attempt to effect service has been made. (*See generally*

Dkt.) On July 12, 2023, the Attorney General wrote to the Court again, pursuant to the Court's June 14, 2022 *Valentin* order, to provide Baxter's new updated work address. (See Dkt. No. 25.)

In light of the foregoing, the Court now directs service on Baxter for the third time. To allow Plaintiff to effect service on Baxter through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Baxter. The Clerk of Court is further instructed to issue an undated summons for Baxter and deliver to the Marshals Service all the paperwork necessary for the U.S. Marshals Service to effect service upon Baxter.

In addition, the Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff's current address.

SO ORDERED.

Dated: October 31, 2023
White Plains, New York



KENNETH M. KARAS
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Correction Officer Neil Baxter
Fishkill Correctional Facility
18 Strack Drive
Beacon, New York 12508-0307